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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,705	12/08/2003	Dennis A. Borugian	16-122 D1	3985

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT PAPER NUMBER

2636

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,705

Applicant(s)

BORUGIAN, DENNIS A.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed February 25, 2005.
Claims 14 and 16 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich (US Patent No. 6,577,928) in view of Moore (US Patent No. 6,370,454).

Claim 16:

Obradovich discloses an apparatus, thus, also a method for scheduling vehicle maintenance, comprising:

- a. An onboard vehicle computer 105 programmed to determine when a maintenance schedule is required
- b. A display 209 coupled to the computer for providing an indication that maintenance is required

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c. A GPS couple to the computer for identifying a location of the vehicle, the computer being programmed to provide directions to a maintenance facility that is near the vehicle.

Col. 22, last paragraph and col. 23 lines 42-55.

The conditions used in Obradovich to determine when maintenance is needed to be done or to be schedule is not the number of operations or the vehicle mileage. The reference uses the accumulative time of which the vehicle tachometer reading is above a predetermined RPM. However, it would have been obvious to one skilled in the art there are different ways of determining a certain maintenance service is need to done on a vehicle. The vehicle mileage is one of the most common condition used by one of ordinary skilled in the art to determined when the vehicle needs to be service. As a matter of fact, in common everyday life, vehicle mileage is one of the most common conditions to decide whether it is time for maintenance. Therefore, it would have been obvious to one skilled in the art to compare the vehicle mileage to a predetermined mileage, or equivalently the number of hours of vehicle operation to a predetermined number of hours of operation to determine whether maintenance is need for the vehicle because it is common in the art.

The reference inherently querying a vehicle operator to determine whether or not to schedule performance of the required maintenance since the vehicle operator knows that maintenance is needed and would think when he/she will want to schedule it for. The reference fails to disclose transmitting a response to the maintenance scheduling query. Nonetheless, Moor teaches scheduling maintenance can be made to the central control system. Therefore, it would have been obvious to one skilled in the art to apply this teaching in Obradovich because

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an operator determines to schedule the maintenance service; it would be convenient to schedule the vehicle computer system.

Claim 14:

The rejection of claim 14 recites the rejection of claim 16, except it is a method claim.

Claim 17:

It is not clear that the computer in Obradovich is programmed to automatically schedule at the maintenance facility for the vehicle. However, the idea of automatically schedule a maintenance service at a vehicle service facility is well known in the art as taught in Moore, wherein the system is programmed to schedule an appointment for service. Col. 9, line 16-29. Thus, it would have been obvious to one skilled in the art to readily recognize employing this idea in the system of Obradovich because it provides convenience.

Claim 15:

The rejection of claim 17 recites the rejection of claim 15, except it is a method claim.

Remarks

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2636

Jul 1, 05